

SENATOR WILLIAM PROXMIRE

WISCONSIN

FOR RELEASE AFTER 6:30 A.M. FRIDAY, JANUARY 25, 1974 FOR FRIDAY P.M.'s

Senator William Proxmire (D-Wis.) Friday asked the General Accounting Office to determine what legal authority it has to review the programs and operations of the intelligence community. Proxmire called the use of such authority "The first vital step in at long last bringing the CIA and other intelligence agencies under genuine Congressional control".

In a letter to Elmer Staats, the Comptroller General of the United States, Proxmire asked the GAO to review intensively all statutory authority in order to establish what powers it has to review, audit, and otherwise examine the programs of the various intelligence agencies. He also asked the GAO to outline the precise oversight authority of Congress with regard to the same agencies.

On releasing the letter, the Senator said:

"A member of Congress is extremely limited in what he can do to keep the intelligence community in check. There are too few resources at his disposal. Therefore it is critical that a highly competent organization reporting to Congress be brought into the picture. The General Accounting Office is the right organization for that job. The intelligence agencies have operated beyond Congressional control for many years.

"For too long the backdoor informal arrangements between selected members of the Congress and the intelligence community have prevented any effective control. Records are not kept. Congressional staff is almost non-existent and those involved are inexperienced in intelligence matters, and are denied full access to information.

"The well publicized failures of the intelligence community lie at the doorstep of a blind and deliberately deaf Congress. Promised hearings by both the Senate and House Armed Services Oversight Subcommittees have not materialized. We can no longer blame the executive branch. It is the fault of a reticent Congress.

"I propose that the Oversight Committees be held responsible for the failures of the intelligence community. When our foreign policy is embarrassed, as in the recent case of the CIA Thai letter, the Oversight Committees should be held accountable for the agencies under their jurisdiction.

"This Session, I intend to ask the floor manager of every appropriations bill before the Senate if there are intelligence community funds hidden in his bill. I am also asking the Chairman of the Senate Appropriations Committee to make public the total amount spent on intelligence each year. Both Defense Secretary Schlesinger and CIA Director Colby have not been forthcoming in this regard.

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"In addition I intend to introduce riders to appropriate legislative and

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appropriations bills until the secret Charter of the CIA is made clear, budget data is released, and the oversight function acquires teeth.

"Even in an open society certain intelligence matters must be protected and I will honor that commitment. However, the Congress and the intelligence community must begin to honor its commitment to an open society by making available the rudimentary information necessary for Congress to properly fulfill its role."

The letter to Elmer Staats follows:

January 24, 1974

The Honorable Elmer Staats
Comptroller General of the United States
General Accounting Office
441 G Street, N.W.
Washington, D. C. 20548

Dear Mr. Staats:

For some time I have been concerned that Congress has not fulfilled its responsibility with regard to reviewing and controlling the operations of the intelligence community. Obviously new tools are necessary to put teeth into the oversight function. Some corrections can be made by legislation. But other productive avenues seem to be closed due to lack of relevant information.

Would you intensively review all existing statutory authority to determine what powers the GAO has to review, audit or otherwise examine the programs and operations of the various intelligence agencies? I would be interested in knowing what success the GAO has met with obtaining information from and about the intelligence community, what staff support the GAO could provide to the Oversight Committees, and what problems the GAO can foresee with regard to Congressional requests for investigations in the intelligence field?

I consider the following agencies and departments as part of the intelligence community: Central Intelligence Agency, Defense Intelligence Agency, National Security Agency, intelligence components of the Army, Navy, Air Force, FBI, Department of the Treasury, the Atomic Energy Commission, and the Bureau of Intelligence and Reports of the Department of State.

Would you also provide a legal opinion of the precise oversight authority of Congress with regard to these intelligence agencies? What powers of control are vested in Congress? What did Congress intend when it legislated the National Security Act of 1947 and the CIA Act of 1949 with regard to oversight functions?

Will the GAO also provide an opinion as to the legality of the National Security Council issuing classified directives to the intelligence community based on the 1947 or 1949 Acts, if these directives deal with subjects not considered in the original legislation. For example, is it legal for the National Security Council to direct the intelligence community in part or whole, to engage in covert activities when nothing in the 1947 Act mentions covert operations?

Please assess the wording of Section 102 (d) (4) and (5) of the 1947 National Security Act to determine if this is a totally open ended provision. What responsibility does the National Security Council have to make available to Congress all directives issued under Section 102 (d) (4) or (5)?

My staff will be available to assist in clarifying any of these requests.

Sincerely,